

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PROVIDENT LIFE AND ACCIDENT)
INSURANCE COMPANY,)

Plaintiff)

v.)

Case No. 08 CV 3227

JILL GARNER, JAN A. MIX, JOY L.)
MIX and ANGELA L. MANTOVANI,)

Defendants)

NOTICE OF MOTION

To: Michael J. Smith	Barrett W. Thies	W. Sebastian von Schleicher
Smith, von Schleicher &	Smith, von Schleicher &	Smith, von Schleicher &
Associates	Associates	Associates
39 South LaSalle Street	39 S. LaSalle Street	39 South LaSalle Street
Suite 1005	Suite 1005	Suite 1005
Chicago, IL 60603	Chicago, IL 60603	Chicago, IL 60603
(312) 541-0300	312-541-0300	(312) 541-0300
michael.smith@svs-law.com	barrett.theis@svs-law.com	warren.vonschleicher@svs-law.com

PLEASE TAKE NOTICE that on October 2nd, 2008, at the hour of 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Joan B. Gottschall in courtroom 2325, or any other judge who may be sitting in her place and stead, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, and shall then and there present the **Motion for Judgment and Turnover order**.



Bernard P. Edelman
Attorney for Defendants Jill Garner, Jan A.
Mix and Joy L. Mix

Robert R. Tepper
111 W. Washington St.
Suite 1900
Chicago, IL 60602
(312)251-0031
Attorney No. 30325

Bernard Edelman
77 W. Washington St.
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Attorney No. 02948

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JILL GARNER, JAN A. MIX, JOY L.)
MIX and ANGELA L. MANTOVANI,)

Defendants)

MOTION FOR JUDGMENT AND TURNOVER ORDER

Now come Defendants Jill Garner, Jan A. Mix and Joy L. Mix, by counsel, and hereby moves this Honorable Court enter (1) a judgment in their favor for the amount on deposit with the Clerk of the Court less such amounts, if any, as may be awarded to Plaintiff for attorneys' fees and (2) a corresponding turnover order that the Clerk of the Court turn such funds over to Movants, and in support thereof state as follows:

1. This is an interpleader action involving disputed claims to ownership of life insurance proceeds.
2. The Court has defaulted Defendant Angela Mantovani for failure to have appeared and responded to the complaint.
3. The remaining Defendants (claimants to the funds on deposit with the Clerk) are in agreement that they, jointly, should receive such funds.
4. Plaintiff has reserved the right to seek reimbursement of its attorneys' fees from the funds on deposit.

5. The Court ought to enter an order entering a judgment in favor of Movants and against Defendant Angela Mantovani in the amount of \$15,739 less the amount, if any, awarded to Plaintiff for its attorneys' fees herein. The Court ought also to order the Clerk to turn such amount over to Movants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bernard P. Edelman", is written over a light blue rectangular background.

Bernard P. Edelman
Attorney for Defendants Jill Garner, Jan A.
Mix and Joy L. Mix

Robert R. Tepper
111 W. Washington St.
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(312)519-9900
Attorney No. 02948

CERTIFICATE OF SERVICE

I, the undersigned, a non-attorney certify under penalties of perjury that I caused a copy of the foregoing **Notice of Motion** and **Motion for Judgment and Turnover Order** to be served upon:

Michael J. Smith
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39 South LaSalle Street
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by causing true and correct copies of same to be sent by **electronic mail** via the CM/ECF system
and a COURTESY COPY by mail to:

Angela L. Mantovani
116 S. Columbus St.
North Pekin, IL 61554-1075

this 29th day of September, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed
on September 29th, 2008.



Rebecca Robinson Guinn